

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DIANE COWAN *et al.*,

Plaintiff,

and

UNITED STATES OF AMERICA,

Plaintiff-Intervenor,

v.

BOLIVAR COUNTY BOARD OF
EDUCATION *et al.*,

Defendants.

Civil Action No. 2:65-CV-00031-DMB

**PLAINTIFF-INTERVENOR UNITED STATES' AND PLAINTIFFS' JOINT
PROPOSED TIMELINE IN RESPONSE TO THE COURT'S MAY 13, 2016 ORDER**

On May 13, 2016, this Court entered an Opinion and Order (Dkt. #215) ("Order") adopting the United States' proposed desegregation plan for the Cleveland School District (Dkt. #109) ("Adopted Plan" or "U.S. Plan" for citation purposes) and directing the parties to submit proposed timelines for implementing that plan no later than June 3, 2016. Accordingly, Plaintiff-Intervenor United States of America ("United States") and Plaintiffs jointly submit the following proposed timeline.

The Adopted Plan, attached as Exhibit A to this Response, calls for a single-grade structure in the Cleveland School District ("District"), in which all students in grades 6-12 would

attend one middle school and one high school beginning in the 2016-2017 school year.¹ The plan specifically contemplates arranging a consolidated District-wide middle school at the existing East Side High School (“ESHS”) facility, and a consolidated District-wide high school at the existing Cleveland High School (“CHS”) and Margaret Green Junior High School campus.²

The Adopted Plan includes a planning year that would permit the District to undertake the critical work necessary to ensure that the transition to the new school configurations meets with long-term success. Section VI of the Adopted Plan contains a proposed implementation timeline, detailing actions the District should take: (a) prior to the 2015-2016 school year; (b) during the 2015-2016 school year; and (c) by the beginning of the 2016-2017 school year. Specifically, the actions that the Adopted Plan contemplated occurring prior to or during the 2015-2016 school year included: (a) planning for and adapting the District’s existing educational programs and curricula for the newly configured schools; (b) identifying any new programs or curricula that may be introduced at the consolidated middle school or high school; (c) assessing and addressing staffing considerations; (d) engaging all stakeholders, including students, parents, faculty and staff, and community members, in preparing for the introduction of the newly configured schools in August 2016; (e) rebranding and marketing the new schools and their intended programs to the school community; (f) appointing a multiracial advisory panel of parents, community members, and students to advise the District and assist with implementation of the plan, including with public engagement efforts; and (g) reviewing facilities needs and performing any necessary maintenance and upgrades.

¹ The Adopted Plan leaves undisturbed 6th grade students at Bell Academy and Hayes Cooper Center, the District’s two magnet elementary schools.

² While the Adopted Plan does not focus or rely on the construction of new school facilities, the United States and Plaintiffs remain supportive of any efforts by the District to pursue a bond measure in order to address the long-term facilities needs of the community.

In an October 2015 submission filed in response to the Court's request for an updated timeline, the United States represented that the planning year contemplated by its plan could be successfully condensed into a nine-month period without delaying consolidation or limiting the effectiveness of the implementation measures. (Dkt. #212 at ¶ 19.) Notwithstanding the October 2015 submission, which reflected the status of the anticipated timeline at that moment, the United States and Plaintiffs believe that the planning year activities outlined in the Adopted Plan remain important to its success. Indeed, the Court has found a number of these measures reasonable and appropriate to help ease the District's transition. (Order at 91.) Given that only two months remain before the start of the 2016-2017 school year, the United States and Plaintiffs do not believe that the District can effectively implement the full suite of strategies detailed in the Adopted Plan in time for the start of the coming school year. Accordingly, the United States and Plaintiffs propose that the Court order full consolidation of the District's middle and high schools to take place by the beginning of the 2017-2018 school year. This adjustment to the Adopted Plan will allow the District sufficient time for careful consolidation planning that can, among other things, maintain stable enrollments across schools and achieve desegregation without undue delay.³

The United States and Plaintiffs provide a more detailed proposed timeline below, informed by the markers supplied in the Adopted Plan. Additionally, the United States and Plaintiffs attach as Exhibit B to this Response a declaration from United States' facilities expert John Poros regarding estimated design, bid and build times for various repairs and renovations that the District may undertake in implementing the Adopted Plan.

³ If this timing is accepted by the Court, dates in the Adopted Plan should generally be read as follows: references to 2015-2016 should be read as 2016-2017; and references to 2016-2017 should be read as 2017-2018.

While the United States and Plaintiffs believe that full implementation of the Adopted Plan will require more than two months, any delay beyond the 2017-2018 school year would unnecessarily deprive an additional class of students the constitutionally-guaranteed right of an integrated education and should therefore be avoided at all costs.

The United States and Plaintiffs appreciate the urgency expressed in the Court's Order. *See* Order at 96 (requiring that the parties' timelines "ensure the *immediate* termination of the District's dual system in its high schools and middle schools" so that "*not one more student* suffers under this burden [of segregation]") (emphasis added). In light of the Court's desire for prompt action, the United States and Plaintiffs have considered interim measures that could be implemented along the path to full consolidation and would be willing to discuss needed steps should the Court be inclined to explore that option.⁴ Regardless of whether the Court would like to explore interim measures, the United States and Plaintiffs believe it would be productive for the Court to hold an initial status conference to discuss, among other things, the Court's role in implementation of the Adopted Plan.

Proposed Timeline

I. Phase 1: Summer 2016 (June - August)

By August 31, 2016, the District shall:

- a. Develop a detailed action plan, including strategies for achieving the target actions (*see* items (a)-(g) listed above), timelines to reach those targets, the District personnel responsible for achieving each target, and the resources (financial, human capital, physical space) that will be allocated to accomplish each target.

⁴ Specifically, the United States' expert Dr. Claire Smrekar has identified creating separate district-wide 9th grade and 6th grade academies for the upcoming 2016-2017 school year as one such interim measure. The academy model—which Dr. Smrekar describes in the attached declaration (Exhibit C) as socially and academically sound—would have the practical effect of ensuring that no new students enter the current dual segregated system of secondary schools.

- b. Select and convene a multiracial advisory panel of parents, community members, and students—which will meet at least monthly during the first year—to assist with implementation strategies, public engagement, branding, communications, and recruitment activities related to the Adopted Plan. In doing so, the District will use a fair and transparent nomination and selection process involving all stakeholder groups. *See* U.S. Plan Section IV.A.1.e. The District shall adopt guidance—for the United States’ review, Plaintiffs’ review, and the Court’s approval—outlining the structure, scope, and authority of the advisory panel, as well as the process for filling future vacancies.
- c. Assess facilities needs for the consolidated schools and develop a strategic plan for addressing any structural, educational, or accessibility issues through renovations or repairs by the beginning of the 2017-2018 school year. This shall include developing a plan to address: science lab access at CHS (*e.g.*, installing an elevator or converting existing classrooms to science labs); other accessibility issues at CHS; and fire safety and accessibility issues related to the continued use of the second floor classrooms at ESHS.

By September 15, 2016, the District shall:

- a. File a report with the Court detailing its progress on phase 1 of the implementation timeline. The report shall include copies of all plans and guidance developed under phase 1 of the implementation timeline. Following submission of the District’s report, the parties may request a status conference and ask that the Court issue an order memorializing deadlines contained in the District’s plans.

II. Phase 2: Fall 2016 (September - November)

By November 30, 2016, the District shall:

- a. Engage in academic and curricular planning to determine which programs will continue in the new schools and whether new academic or extracurricular programs or opportunities will be introduced, including any within-in school programs (*e.g.*, early college, dual enrollment, etc.). *See* U.S. Plan Sections IV.A.1.e and IV.B.1.e.
 1. Take appropriate steps to ensure transition of existing programs (*e.g.*, IB Programme) to the consolidated schools.
 2. Take appropriate steps to establish any new programs, including gauging community interest, adjusting budgets, seeking external funding, and entering into relationships with community partners.
- b. Identify opportunities for collaboration with key community stakeholders (*e.g.*, Delta State University, local employers like Baxter Healthcare and Bolivar Medical Center, local arts organizations like Delta Arts Alliance and the Grammy Museum) on plan implementation and development of educational opportunities, and begin formalizing relationships with these stakeholders. *See* U.S. Plan Sections IV.A.1.e and IV.B.1.e.
- c. In conjunction with the advisory panel, develop and implement a public engagement plan, and launch a school rebranding campaign. *See* U.S. Plan Sections IV.A.1.e and IV.B.1.e.
- d. Develop a transition plan for athletic teams and extracurricular activities—collaborating with coaches, students, and interscholastic athletics organizations as needed—to consolidate duplicative athletics teams and other activities, and adopt new names and mascots. *See* U.S. Plan Sections IV.A.1.d and IV.B.1.d.

- e. Begin any necessary renovations and repairs on existing facilities.

By December 15, 2016, the District shall:

- a. File a report with the Court detailing the District's progress on phase 2 of the implementation timeline. Among other things, the report shall identify all new curricular programs the District intends to offer and include copies of the District's public engagement plan and transition plan for athletics and extracurriculars.

III. Phase 3: Winter 2017 (December - February)

By February 28, 2017, the District shall:

- a. Review staffing needs (including for any new instructional programs and curricula), engage in targeted faculty recruitment efforts (*e.g.*, recruitment fairs, media and advertising), and determine whether reassignments or reductions in force will be needed.
 - 1. Develop and implement a faculty incentive plan to assist with recruitment, retention and reassignment, as needed.
- b. Work with the advisory panel to design and implement a roll-out plan to introduce and promote the new schools.
 - 1. Engage community stakeholders in renaming the schools and selecting new mascots.
 - 2. Begin planning activities and efforts to commemorate the traditions of the former schools. *See* U.S. Plan Section IV.A.1.e.
- c. Promote any new academic programs and opportunities.
- d. Continue implementation of measures begun in Fall 2016.

By March 15, 2017, the District shall:

- a. File a report with the Court detailing the District's progress on phase 3 of the implementation timeline. Among other things, the report shall outline all staffing

changes (additions, reductions, and/or reassignments) the District anticipates making in conjunction with implementation of the plan.

IV. Phase 4: Spring 2017 (March - May)

By May 31, 2017, the District shall:

- a. Work with the advisory panel to finalize activities and efforts to commemorate the traditions of the former schools. *See* U.S. Plan Section IV.A.1.e.
- b. Formally notify middle and high school students of their 2017-2018 school assignments.
 1. Assign all students in 6th-8th grades (except for the 6th graders at Bell and Hayes Cooper) to a single District-wide middle school housed in the current East Side High School facility.
 2. Assign all students in 9th-12th grades to a single comprehensive high school housed on a new high school campus using the current Cleveland High/Margaret Green facilities.
- c. Take appropriate personnel actions to staff the new schools (*e.g.*, new hiring, using retention measures, notifying current employees of any necessary reassignments or reductions in force).
- d. Implement any new academic programs and opportunities.
- e. Continue implementation of measures begun in Fall 2016 and Winter 2017.

By June 15, 2017, the District shall:

- a. File a report with the Court detailing the District's progress on phase 4 of the implementation timeline. Among other things, the report shall include the new names of the middle and high schools, as well as the identity of their mascots.

V. Phase 5: Summer 2017 (June - July)

By July 31, 2017, the District shall:

- a. Complete necessary facility renovations, repairs, and other improvements, including, for example, posting new school signs.
- b. With the advisory panel, engage in publicized roll-out activities (*e.g.*, events, school tours, media campaign) and provide information to all parents and students on the new schools.
- c. Provide uniform training to District administrators, teachers, and staff on diversity awareness, discipline practices, and discrimination/harassment reporting and investigation procedures to ensure that educational opportunities are available to all students on a nondiscriminatory basis.
- d. Continue implementation of measures begun in Fall 2016, Winter 2017, and Spring 2017.

By August 15, 2017, the District shall:

- a. File a report with the Court detailing the District's progress on phase 5 of the implementation timeline.

VI. Phase 6: 2017-2018 School Year

The District shall:

- a. Open the new consolidated middle school and new consolidated high school in **August 2017**.
- b. Engage community partners in school opening celebrations, commemoration events, and introduction of new programs and opportunities.
- c. Continue to use the advisory panel and engage the school community in taking steps to improve support for the new schools, identify and address implementation issues, and ensure that all opportunities are available to all students in a nondiscriminatory manner.

- d. Continue, as necessary, pursuing facility improvements during the school year to support the new schools.
- e. Continue implementation of measures begun between Fall 2016 and Summer 2017.

VII. Ongoing Obligations

Following the opening of consolidated middle and high schools, the District shall file semi-annual reports with the Court no later than June 15 and December 15 of each year, for three years, providing a detailed summary of the District's efforts to implement the Adopted Plan and the efficacy of those efforts. *See* U.S. Plan Section V. The parties shall identify the content requirements of the semi-annual report after the District has identified its curricular plans, and by no later than June 30, 2017. In addition, the District shall, upon reasonable request, provide all other documents, information, or access to school facilities requested by the United States to fulfill its monitoring obligations in this case.

The District shall seek and obtain the United States' and Court's approval for changes to the structure or use of school facilities, student assignment to elementary schools, or limited enrollment programs at the middle school or high school level. *See* U.S. Plan Section V.

The District shall ensure that all educational opportunities are available to students on a nondiscriminatory basis. This shall include taking steps to prevent within-school segregation in classrooms and programs. *See* U.S. Plan Section IV.A.1.a (outlining steps the District shall take to prevent within-school segregation). The District shall promote safe, nondiscriminatory schools for all students through diversity trainings, effective discipline practices, and effective discrimination/harassment reporting and investigation procedures.

Following implementation of this plan, the District shall be required to meet all of its continuing District-wide desegregation obligations under the operative court orders in this case

and federal law, including in the areas of student assignment, faculty, staff, extracurricular activities, transportation, and facilities. These obligations will remain in place until the District establishes that it has met the requirements for unitary status and the Court dismisses this case.

Respectfully submitted this 3rd day of June, 2016,

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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2016, I electronically filed a copy of the foregoing Joint Proposed Timeline with the Clerk of the Court using the Court's CM/ECF system. Notice of this filing was sent by operation of the CM/ECF system to all counsel of record.

/s/ Aziz Ahmad
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